

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11  
12 IN RE: CATHODE RAY TUBE (CRT)  
13 ANTITRUST LITIGATION

Master File No. 07-CV-5944-JST

MDL No. 1917

14 This Document Relates to:

15 *Crago, d/b/a Dash Computers, Inc., et al. v.*  
16 *Mitsubishi Electric Corporation, et al.*, Case  
17 No. 14-CV-2058-JST.

**[PROPOSED] ORDER GRANTING  
DIRECT PURCHASER PLAINTIFFS'  
SECOND APPLICATION FOR  
ATTORNEYS' FEES AND EXPENSES AND  
INCENTIVE AWARDS**

18 Date: June 8, 2017  
19 Time: 2:00 p.m.  
20 Judge: Hon. Jon S. Tigar  
21 Courtroom: 9  
22  
23  
24  
25  
26  
27  
28

1 The Court, having reviewed Direct Purchaser Plaintiffs' Application for Attorneys' Fees  
2 and Expenses and Incentive Awards ("Application"), dated March 30, 2017, the pleadings and  
3 other papers on file in this action, and the statements of counsel and the parties, hereby finds that:

4 1. The Application requests an award of attorneys' fees in the amount of  
5 \$25,425,000.00, or 30% of the \$84,750,000 M&T Settlement Funds.<sup>1</sup> Further, Direct Purchaser  
6 Plaintiffs ("DPPs" or "Plaintiffs") and their counsel ("Class Counsel") request reimbursement of  
7 out-of-pocket litigation costs and expenses in the amount of \$1,053,960.26. The Application also  
8 requests additional incentive awards for each of the eight Class Representatives<sup>2</sup> of \$15,000, a total  
9 of \$120,000.

10 2. DPPs' requested fee award of \$25,425,000.00—30% of the M&T Settlement  
11 Funds—is fair and reasonable under the percentage-of-the-recovery method based upon the  
12 following factors: (1) the results obtained by Class Counsel in this case; (2) the risks and complex  
13 issues involved in this case, which were significant and required a high level of skill and high-  
14 quality work to overcome; (3) the attorneys' fees requested were entirely contingent upon  
15 success—Class Counsel risked time and effort and advanced costs with no ultimate guarantee of  
16 compensation; (4) the range of awards made in similar cases justifies an award of 30% here; and  
17 (5) the class members have been notified of the requested fees and had an opportunity inform the  
18 Court of any concerns they have with the request. These factors justify an upward adjustment of

19 \_\_\_\_\_  
20 <sup>1</sup> The "M&T Settlement Funds" refer to the \$75,000,000 settlement with the Mitsubishi Electric  
21 Defendants—Mitsubishi Electric Corporation; Mitsubishi Electric US, Inc. (formerly known as  
22 Mitsubishi Electric & Electronics USA, Inc.); and Mitsubishi Electric Visual Solutions America,  
23 Inc. (formerly known as Mitsubishi Digital Electronics America, Inc.)—and the \$9,750,000  
24 settlement with the Thomson Defendants—Thomson SA (now known as Technicolor SA),  
25 Thomson Consumer Electronics, Inc. (now known as Technicolor USA, Inc.), and Thomson  
26 Displays Americas LLC (now known as Technologies Displays Americas LLC).

27 <sup>2</sup> "Class Representatives" are the plaintiffs named in the Second Amended DPPs' Class Action  
28 Complaint Against Mitsubishi and Thomson Consolidated Amended Complaint: (1) Crago, d/b/a  
Dash Computers, Inc.; (2) Arch Electronics, Inc.; (3) Meijer, Inc. and Meijer Distribution, Inc.; (4)  
Nathan Muchnick, Inc.; (5) Princeton Display Technologies, Inc.; (6) Radio & TV Equipment,  
Inc.; (7) Studio Spectrum, Inc.; and (8) Wettstein and Sons, Inc. d/b/a Wettstein's. The Court  
previously awarded \$25,000 to each of these Class Representatives as well as to two others—  
Hawel A. Hawel, d/b/a City Electronics, and Royal Data Services, Inc.—in the initial litigation. *See*  
ECF No. 4299.

1 the Ninth Circuit's 25% benchmark. As such, the Court finds that the requested fee award  
2 comports with the applicable law and is justified by the circumstances of this case.

3         3. The Court has confirmed the reasonableness of DPPs' fee request by conducting a  
4 lodestar cross-check. The Court finds that Class Counsel's reasonable lodestar was \$11,812,004.95  
5 based on historic hourly rates. Taken together with Class Counsel's lodestar of \$43,335,517.50 in  
6 connection with Plaintiffs' first fee and expense application, *see In re: Cathode Ray Tube (CRT)*  
7 *Antitrust Litig.*, No. 07-CV-5944-JST, 2016 WL 183285, at \*3 (Jan. 14, 2016), Class Counsel's  
8 requested fee award results in a multiplier of 1.154. This further supports the reasonableness of  
9 Class Counsel's fee request here.

10         4. Class Counsel incurred a total of \$1,053,960.26 in litigation costs and expenses in  
11 prosecuting this case. The Court finds that these costs and expenses were reasonably incurred in the  
12 ordinary course of prosecuting this case and were necessary given the complex nature and  
13 nationwide scope of the case.

14         5. Pursuant to *Radcliffe v. Experian Information Solutions, Inc.*, 715 F.3d 1157 (9th  
15 Cir. 2013), the Court has carefully considered the requested incentive awards. The Court deems the  
16 application for incentive awards reasonable and justified given, in particular: (1) the risks—  
17 reputational, financial, and otherwise—faced by Class Representatives in bringing this lawsuit; and  
18 (2) the work performed and the active participation in the case and settlement processes by the  
19 Class Representatives on behalf of the class.

20         6. In sum, upon consideration of the Application and accompanying declarations, and  
21 based upon all matters of record including the pleadings and papers filed in this action, the Court  
22 hereby finds that the fee requested is reasonable and proper, that the costs and expenses incurred by  
23 Class Counsel were necessary, reasonable, and proper, and that incentive awards are appropriate  
24 given the time and effort expended by the Class Representatives in the prosecution of this case.

25         Accordingly, it is hereby ORDERED and DECREED that:

26         7. Class Counsel are awarded attorneys' fees of \$25,425,000.00 (30% of the  
27 \$84,750,000 M&T Settlement Funds), together with a proportional share of interest earned on the  
28

1 M&T Settlement Funds for the same time period and at the same rate as that earned on the M&T  
2 Settlement Funds until dispersed to Class Counsel.

3 8. Class Counsel are awarded reimbursement of their litigation costs and expenses in  
4 the amount of \$1,053,960.26.

5 9. The Class Representatives—(1) Crago, d/b/a Dash Computers, Inc.; (2) Arch  
6 Electronics, Inc.; (3) Meijer, Inc. and Meijer Distribution, Inc.; (4) Nathan Muchnick, Inc.; (5)  
7 Princeton Display Technologies, Inc.; (6) Radio & TV Equipment, Inc.; (7) Studio Spectrum, Inc.;  
8 and (8) Wettstein and Sons, Inc. d/b/a Wettstein's—shall each receive an additional incentive  
9 award in the amount of \$15,000.

10 10. The attorneys' fees awarded, the litigation costs and expenses reimbursed and the  
11 incentive awards granted shall be paid from the M&T Settlement Funds and the interest earned  
12 thereon.

13 11. The fees and expenses shall be allocated among Class Counsel by Lead Counsel in a  
14 manner that, in Lead Counsel's good-faith judgment, reflects each firm's contribution to the  
15 institution, prosecution, and resolution of the case.

16 12. This order shall be entered of this date pursuant to Rule 54(b) of the Federal Rules  
17 of Civil Procedure, the Court finding that there is no just reason for delay.

18 **IT IS SO ORDERED.**

19  
20 Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE JON S. TIGAR  
UNITED STATES DISTRICT JUDGE